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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
09/707,140	11/06/2000	Outi Aho	460-009944-US(PAR)	8800				
2512 PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824	7590 01/31/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">VU, THONG H</td></tr></table>		EXAMINER		VU, THONG H	
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2616								
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE					
3 MONTHS		01/31/2007	PAPER					

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/707,140

Applicant(s)

AHO, OUTI

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. Claims 1-52 are pending.

Response to Arguments

2. Applicant's arguments filed 12/22/06 have been fully considered but they are not persuasive.

A. Double Patenting:

Applicant argues the claim 1 of invention recites the determination is made as to if there any components the terminal can handle, based on the information (i.e.: profile) stored in the multimedia messaging center or server; claim 4 recites the notification message to the wireless terminal comprising information about at least one property of said at least one multimedia component.

Examiner points out the prior art ('361), in claim 7, taught the notification containing information describing the properties of the multimedia message, current user profile and how said received message should be handled.

Thus, the rejection sustained.

B. 103 Rejection:

Applicant's arguments, seepages 4-5, filed 12/22/06, with respect to the rejection(s) of claim(s) 1-52 under Wallentin-Moore have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gaffney, Dugan.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaffney [WO 98/19438].

3. As per claim 19, Gaffney discloses A system comprising at least one wireless terminal, a communication network, and at least one server for implementing a multimedia messaging service between the wireless terminal that communicates with the communication network over a radio path and the server [Gaffney, wireless devices 400, network 200, server system 100, Fig 1], the server comprising:

- Means for receiving a multimedia message addressed to the terminal, means for storing the multimedia message in the server, the multimedia message comprising at least one multimedia component [Gaffney, multimedia message, page 16 lines 7-8] and

- Means for storing information on at least one property (capabilities) of the wireless terminal (MS) [Gaffney, capabilities, page 16 lines 11-12], characterized in that the system comprises:

- Means for determining if there is any component of the multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal [Gaffney, capabilities, page 16 lines 20-25],

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- Means for selecting for transmission to the wireless terminal at least one component of the multimedia message if there exists one or more such component(s) [Gaffney, editing, translating some or all part of multimedia message, page 17 lines 12-25], and
- Means for transmitting the selected component(s) to the wireless terminal

[Gaffney, page 16 line 30-page 17 line 2].

4. As per claim 20, Gaffney discloses means for selecting at least one bearer for transmission of the selected component(s) of the multimedia message [Gaffney, bearer or transport network 300, Fig 1, page 10 line 29].

5. As per claim 21 Gaffney discloses said means for selecting at least one bearer [Gaffney, bearer or transport network 300, Fig 1, page 10 line 29].

6. As per claim 22, Gaffney discloses means for transmitting a notification message to the wireless terminal comprising information about at least one property of said at least one multimedia component [Gaffney, notifying, page 19 line 21].

7. As per claim 23 Gaffney discloses said means for transmitting a notification message [Gaffney, notifying, page 19 line 21].

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8. As per claim 24 Gaffney discloses means for changing information on at least one property of the wireless terminal (MS) to prevent or allow the transmission of at least one component of the multimedia message [Gaffney, editing multimedia message, page 17 line 21].

9. As per claim 25 Gaffney discloses information on the available storage capacity of the wireless terminal [Gaffney, capabilities, page 16 lines 20-25].

10. As per claim 26, Gaffney discloses information on the capability of the wireless terminal to process multimedia components of a particular type [Gaffney, capabilities, page 16 lines 20-25].

11. As per claim 27, Gaffney discloses characterized in that the capability of the wireless terminal (MS) to process multimedia components is specified on the basis of the hardware properties of the wireless terminal (MS) and / or on the basis of the properties of the programs stored in the wireless terminal (MS) [Gaffney, capabilities, page 16 lines 20-25].

12. As per claim 28, Gaffney discloses characterized in that a maximum time of validity is specified for said information on the properties of the wireless terminal (MS), stored in said server (20) as inherent feature of the properties or capabilities of wireless device.

13. As per claim 29, Gaffney discloses means for examining whether information on the properties of the wireless terminal is stored in the server (20), means (55) for attaching a request (38) to update the properties of the wireless terminal (MS) to said notification message (30) and means (MPU, RF, ANT) for transmitting information on the properties of the wireless terminal (MS) from the wireless terminal (MS) to the server (20) [Gaffney, capabilities, page 16 lines 20-25; notifying, page 19 line 21].

14. As per claim 30, Gaffney discloses means (55) for examining the validity of said property information of the wireless terminal (MS) stored in the server (20), and means (55) for attaching a request (38) to update the properties of the wireless terminal (MS) to said notification message (30) [Gaffney, notifying, page 19 line 21].

15. As per claim 31, Gaffney discloses characterized in that said property information stored in the server (20) is arranged to be used as the property information of the wireless terminal (MS) if the server (20) has not received a reply from the wireless terminal (MS) to said property update request (38) [Gaffney, updating, page 14 line 9].

16. As per claim 32 Gaffney discloses means for examining whether said notification message (30) contains a request to update the properties of the wireless terminal (MS), and means (MPU, RF, ANT) for transmitting the property information of the wireless

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terminal (MS) to the server (20) in said connection set-up request message (40)

[Gaffney, updating, page 14 line 9].

17. As per claim 33, Gaffney discloses characterized in that the wireless terminal (MS) is a WAP terminal and that the server is a multimedia message service centre (MMSC) as inherent feature of wireless network [Gaffney, Fig 1].

18. As per claim 34 Gaffney discloses in which the wireless terminal (MS) comprises means (MPU, RF, ANT) for transmitting a connection set-up request (40) from the wireless terminal (MS) to the server (20) to set up a connection for transmission of at least one multimedia component of a multimedia message addressed to said wireless terminal (MS) characterized in that the connection set-up request (40) is a Uaprof information transmission message according to WAP specifications, and that the header field (41) is supplemented with a profile-diff header field, if the connection set-up request is supplemented with information on the properties of the wireless terminal (Ms), or a profile header field if the connection set-up message is not supplemented with information on the properties of the wireless terminal (MS) as inherent feature of wireless network [Gaffney, Fig 1].

19. As per claim 50, Gaffney discloses means (18, 15, 12) for receiving a notification message (30) transmitted from the server (20), which notification message (30) is transmitted to the wireless terminal (MS) to indicate that a multimedia message has

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arrived, characterized in that the wireless terminal (MS) also comprises means (55) for examining a request (38) to update the properties of the wireless terminal (MS) from said notification message (30), and means (MPU, RF, ANT) for transmitting information on the properties of the wireless terminal (MS) from the wireless terminal (MS) to the server (20)) as inherent feature of wireless network [Gaffney, Fig 1].

20. As per claim 51, Gaffney discloses characterized in that the wireless terminal (MS) is a WAP terminal [Gaffney, Fig 1].

21. As per claim 52, Gaffney discloses means (MPU, RF, ANT) for transmitting a connection set-up request (40) from the wireless terminal (MS) to the server (20) to set up a connection for the transmission of at least one multimedia component of a multimedia message addressed to said wireless terminal (MS) characterized in that the connection set-up request (40) is a Uaprof information transmission message according to WAP specifications, and that the header field (41) is supplemented with a profile-diff header field, if the connection set-up request is supplemented with information on the properties of the wireless terminal (MS), or a profile header field if the connection set-up message is not supplemented with information on the properties of the wireless terminal (MS)) as inherent feature of wireless network [Gaffney, Fig 1].

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22. Claims 1-18 contain the identical limitations set forth in claims 19-34,50-52.

Therefore claims 1-18 are rejected for the same rationale set forth in claims 19-34,50-52.

23. As per claim 35, Gaffney discloses A server (20) for implementing a multimedia messaging service between a wireless terminal (MS) that communicates with a communication network (12, 15, 18) over a radio path [Gaffney, Fig 1], the server comprising:

- Means for receiving a multimedia message addressed to the terminal, means for storing the multimedia message in the server, the multimedia message comprising at least one multimedia component [Gaffney, page 16 lines 7-8], and

- Means for storing information on at least one property of the wireless terminal (MS) [Gaffney, page 16 lines 11-12], characterized in that the server further comprises:

- Means for determining if there is any component of the multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal [Gaffney, page 16 lines 20-25],

- Means for selecting for transmission to the wireless terminal at least one component of the multimedia message if there exists one or more such component(s) [Gaffney, page 16 lines 25-29].

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24. Claims 36-42 contain the identical limitations set forth in claims 20-34,50-52.

Therefore claims 36-42 are rejected for the same rationale set forth in claims 20-34,50-52.

25. As per claim 43 Gaffney discloses A wireless terminal (MS) to be used in a multimedia messaging system that Comprises a communication network (12, 15, 18), and at least one server (20) for implementing a multimedia messaging service between the wireless terminal (MS) that communicates with the communication network (12, 15, 18) over a radio path and the server (20), the server comprising:

- Means for receiving a multimedia message addressed to the terminal, means for storing the multimedia message in the server, the multimedia message comprising at least one multimedia component [Gaffney, page 16 lines 7-8], and
- Means for storing information on at least one property of the wireless terminal (MS) [Gaffney, page 16 lines 11-12], characterized in that the wireless terminal comprises
- Means for requesting a component of the multimedia message to be transmitted to the wireless terminal without identifying the component [Gaffney, page 16 lines 25-29].

26. Claims 44-49 contain the identical limitations set forth in claims 20-34,50-52.

Therefore claims 44-49 are rejected for the same rationale set forth in claims 20-34,50-52.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Dugan et al [Dugan 6,363,411 B1].

27. As per claim 19, Dugan discloses A system comprising at least one wireless terminal, a communication network, and at least one server for implementing a multimedia messaging service between the wireless terminal that communicates with the communication network over a radio path and the server [Dugan, wireless and PCS systems, col 74 line 40; servers, Fig 17, multimedia message, col 65 line 63], the server comprising:

- Means for receiving a multimedia message addressed to the terminal, means for storing the multimedia message in the server, the multimedia message comprising at least one multimedia component [Dugan, multimedia message, col 65 line 63] and

- Means for storing information on at least one property (capabilities) of the wireless terminal (MS) [Dugan, capabilities, page 16 lines 11-12], characterized in that the system comprises:

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- Means for determining if there is any component of the multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal [Dugan, capabilities, col 65 lines 35-45],
- Means for selecting for transmission to the wireless terminal at least one component of the multimedia message if there exists one or more such component(s) [Dugan, select component for placement in a queue, col 92 lines 50-61], and
- Means for transmitting the selected component(s) to the wireless terminal [Dugan, wireless and PCS systems, col 74 line 40].

28. As per claim 20, Dugan discloses means for selecting at least one bearer for transmission of the selected component(s) of the multimedia message [Dugan, bearer control 248, Fig 6].

29. As per claim 21 Dugan discloses said means for selecting at least one bearer [Dugan, bearer control 248, Fig 6].

30. As per claim 22, Dugan discloses means for transmitting a notification message to the wireless terminal comprising information about at least one property of said at least one multimedia component [Dugan, notification, col 17 lines 5-15].

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31. As per claim 23 Dugan discloses said means for transmitting a notification message [Dugan, notification, col 17 lines 5-15].

32. As per claim 24 Dugan discloses means for changing information on at least one property of the wireless terminal (MS) to prevent or allow the transmission of at least one component of the multimedia message [Dugan, change the bearer capability, col 35 lines 37-47].

33. As per claim 25 Dugan discloses information on the available storage capacity of the wireless terminal [Dugan, available capacity, col 58 line 20-38]

34. As per claim 26, Dugan discloses in which each multimedia message is formed of at least one multimedia component, characterized in that said information on the properties of the wireless terminal (MS) comprises information on the capability of the wireless terminal to process multimedia components of a particular type [Dugan, different media types, col 36 lines 35-62].

35. As per claim 27, Dugan discloses characterized in that the capability of the wireless terminal (MS) to process multimedia components is specified on the basis of the hardware properties of the wireless terminal (MS) and / or on the basis of the properties of the programs stored in the wireless terminal (MS) [Dugan, capabilities, col 65 lines 35-45],

36. As per claim 28, Dugan discloses characterized in that a maximum time of validity is specified for said information on the properties of the wireless terminal (MS), stored in said server (20) [Dugan, maximum service time, col 19 lines 52-67].

37. As per claim 29, Dugan discloses means (51, 52,53) for receiving a multimedia message addressed to the wireless terminal (MS) at the server (20) [Dugan, multimedia message, col 65 line 63],

the multimedia message comprising at least one multimedia component, and means (18, 15,12) for transmitting a notification message (30) from the server (20) to the wireless terminal (MS) to indicate that a multimedia message has arrived [Dugan, notification, col 17 lines 5-15],

characterized in that the system also comprises means for examining whether information on the properties of the wireless terminal is stored in the server (20) [Dugan, capabilities, col 65 lines 35-45],

means (55) for attaching a request (38) to update the properties of the wireless terminal (MS) to said notification message (30) and means (MPU, RF, ANT) for transmitting information on the properties of the wireless terminal (MS) from the wireless terminal (MS) to the server (20) [Dugan, update capabilities, col 67 lines 35-45].

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38. As per claim 30, Dugan discloses means (55) for examining the validity of said property information of the wireless terminal (MS) stored in the server (20), and means (55) for attaching a request (38) to update the properties of the wireless terminal (MS) to said notification message (30) [Dugan, update capabilities, col 67 lines 35-45].

39. As per claim 31, Dugan discloses characterized in that said property information stored in the server (20) is arranged to be used as the property information of the wireless terminal (MS) if the server (20) has not received a reply from the wireless terminal (MS) to said property update request (38) [Dugan, update capabilities, col 67 lines 35-45].

40. As per claim 32 Dugan discloses means (MPU, RF, ANT) for transmitting a connection set-up request (40) from the wireless terminal (MS) to the server (20) to set up a connection for transmission of at least one multimedia component of a multimedia message addressed to said wireless terminal (MS) characterized in that the system also comprises means for examining whether said notification message (30) contains a request to update the properties of the wireless terminal (MS), and means (MPU, RF, ANT) for transmitting the property information of the wireless terminal (MS) to the server (20) in said connection set-up request message (40) as inherent feature of setting up data link between server and wireless or PCS system.

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41. As per claim 33, Dugan discloses characterized in that the wireless terminal (MS) is a WAP terminal and that the server is a multimedia message service centre (MMSC) [Dugan, wireless and PCS systems, col 74 line 40; servers, Fig 17].

42. As per claim 34 Dugan discloses means (MPU, RF, ANT) for transmitting a connection set-up request (40) from the wireless terminal (MS) to the server (20) to set up a connection for transmission of at least one multimedia component of a multimedia message addressed to said wireless terminal (MS) characterized in that the connection set-up request (40) is a Uaprof information transmission message according to WAP specifications, and that the header field (41) is supplemented with a profile-diff header field, if the connection set-up request is supplemented with information on the properties of the wireless terminal (Ms), or a profile header field if the connection set-up message is not supplemented with information on the properties of the wireless terminal (MS) as inherent feature of setting up data link between server and wireless or PCS system.

43. As per claims 50,52 Dugan discloses means (18, 15, 12) for receiving a notification message (30) transmitted from the server (20), which notification message (30) is transmitted to the wireless terminal (MS) to indicate that a multimedia message has arrived [Dugan, notification, col 17 lines 5-15], characterized in that the wireless terminal (MS) also comprises means (55) for examining a request (38) to update the properties of the wireless terminal (MS) from

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said notification message (30) [Dugan, update capabilities, col 67 lines 35-45], and means (MPU, RF, ANT) for transmitting information on the properties of the wireless terminal (MS) from the wireless terminal (MS) to the server (20) as inherent feature of setting up data link between server and wireless or PCS system.

44. As per claim 51, Dugan discloses characterized in that the wireless terminal (MS) is a WAP terminal [Dugan, wireless and PCS systems, col 74 line 40].

45. Claims 1-18,35-49 contain the identical limitations set forth in claims 19-34,50-52. Therefore claims 1-18,35-49 are rejected for the same rationale set forth in claims 19-34,50-52.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Lynn Feild*, can be reached at (571) 272-2092. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner



THONG VU
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100